IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 29185 of 2006(Y)

PETITIONER:

BABUKUTTY PHILIPOSE,
PROPRIETOR, M/S. EXCEL FUELS, PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:

1.PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA, REPRESENTED BY ITS SECRETARY.

2.THE ASSISTANT EXECUTIVE ENGINEER,
PWD (ELECTRICAL SECTION), PATHANAMTHITTA.

3.THE INDIAN OIL CORPORATION LTD.,
2ND FLOOR, CO-BANK TOWERS, VIKHAS BHAVAN P.O.,
PALAYAM, THIRUVANANTHAPURAM, REPRESENTED BY
DIVISIONAL SALES MANAGER.

R1 BY ADV. SRI.A.N.RAJAN BABU,S.C,PTA MUNCIPALITY
SRI.V.K.SUNIL
R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL
R3 BY ADV.MR.ANTONY DOMINIC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.29185 of 2006

- -

Dated: 22nd November, 2006

JUDGMENT

The grievance of the petitioner is that the Municipality as well as the 2nd respondent have been sleeping over his repeated request for re-locating the two electrical lamp posts which are situated at the entry and exit points of the petrol pump which is being conducted by him. Ext.P2 photograph will demonstrate that the grievance voiced by the petitioner regarding the inconveniences caused by him on account of the present position of the lamp posts is somewhat genuine. The learned Standing Counsel for the 1st respondent-Municipality submits that the Municipality is prepared to give consent in the matter of re-location of the posts provided the entire costs necessary in that regard will be borne by the petitioner himself. Mr.Mathew G.Vadakkel, learned Government Pleader on instructions from the 2nd respondent submits that since the posts are the property of the Municipality, consent is to be given by the Municipality. Mr.N.Raghuraj, learned counsel for the petitioner submits that the petitioner is all willingness to bear whatever costs will be necessary for re-locating the posts in question. Under these circumstances, this Writ Petition will stand disposed of with the following directions:

The petitioner will submit an undertaking before the 1st

respondent-Municipality to the effect that the petitioner will bear whatever costs will be necessary for re-locating the electrical posts in question. Once such an undertaking is received from the petitioner, the 1st respondent or the 2nd respondent, as the case may be, will issue necessary directions to the petitioner for remitting the costs estimated for re-locating the posts. Once remittance is made as directed, the concerned respondents will not delay the matter further and will ensure that the re-location work is done at the earliest and the inconvenience caused by the electrical posts on account of its present position be removed. Needful will be done by the parties at the earliest and at any rate the re-location work will be completed within four weeks of the petitioner remitting the requisite charges.

srd **PIUS C.KURIAKOSE, JUDGE**